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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.7112 OF 2014

Dashrath s/o Sakharam Khose
Age-58 years, Occ-Service
R/o 47 C, Premdnagar, Savedi,
Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....

Mr. N. S. Ghanekar, Advocate for the applicant
Mr. A. V. Deshmukh, APP for respondent State

.....

WITH
CRIMINAL APPLICATION NO.7116 OF 2014

Ashok Sahebrao Sapate
Age-51 years, Occ-Service
R/o Vinayak Nagar,
Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....

Mr. N. S. Ghanekar h/f Mr. S. R. Choukidar, Adv. for applicant
Mr. A. V. Deshmukh, APP for respondent State

.....

WITH
CRIMINAL APPLICATION NO.7113 OF 2014

Ratilal Dhondiram Kaswa
Age-74 years, Occ- Pensioner
R/o Vinayaknagar, Pune Road,
Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....

Mr. N. S. Ghanekar, Advocate for the applicant
Mr. A. V. Deshmukh, APP for respondent State

.....

WITH
CRIMINAL APPLICATION NO.512 OF 2015
IN
CRIMINAL APPLICATION NO.7112 OF 2014
CRIMINAL APPLICATION NO.7116 OF 2014
CRIMINAL APPLICATION NO.7113 OF 2014

Goraksh P. Kshirsagar

APPLICANT

VERSUS

The State of Maharashtra & Others

RESPONDENTS

.....

Mr. S. S. Deve, Advocate for the applicant
Mr. N. S. Ghanekar, Advocate for the respondents
Mr. A. V. Deshmukh, APP for respondent State

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[CORAM : T.V.NALAWADE, J.]

DATE: 30th JANUARY, 2015

ORDER:

1. All the three applications are filed for the relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation, particularly the suicide note left behind by Pandurang.

2. It appears that there is civil dispute between the family of

the deceased and the applicants from first and third proceedings, over some portion of the land where the school building is constructed. The suit was filed by the deceased in the year 2007 and it was for possession of three Guntha land. It is the case that this portion of land was never sold to the school either by the deceased himself or by his brother, but the school has made encroachment over said land. Evidence in chief of the deceased was filed in the said proceedings. He committed suicide on 19.12.2014 and left behind one suicide note. In the suicide note, he has contended that there was dispute with the school and due to the dispute, his son was required to obtain loan and the loan had gone up to Rs.5 lakhs and he was not able to see the suffering of his son and due to loan amount, and hence he is committing suicide.

3. Applicant from first proceedings is said to be the Chairman of the Education Institution and applicant from third proceedings is said to be the Secretary of said institution and applicant from second proceedings is said to be the Head Master of the school.

4. Learned APP submitted that in view of pendency of litigation and the suicide note, inference can be drawn that due to the circumstances, no alternative was left with the deceased

than to commit suicide. He submits that the material is sufficient to make out a case u/s 306 r/w 34 of the Indian Penal Code.

5. In view of aforesaid nature of material, this Court holds that protection needs to be given to the applicants. The civil dispute was long standing. The main reason behind the suicide is given in the suicide note. In view of the nature of allegations, the police should not need custodial interrogation of the applicants.

6. In the result, all the three applications are allowed. The applicants are to be released on bail in Crime No. 386 of 2014 of Pathardi police station, Ahmednagar for the offence punishable u/s 306 r/w 34 of the Indian Penal Code. The applicants are not to tamper prosecution witnesses. They are not to commit similar offence. They are to attend concerned police station on every Sunday between 9.00 am and 12.00 noon for one month. They are to cooperate during the investigation.

7. Criminal Application No.512 of 2015 filed for permission to assist APP is allowed.

[T.V.NALAWADE, J.]